

HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VAPORPATH, INC., a Washington  
corporation,

Plaintiff,

v.

WNA, INC., a Delaware Corporation, and  
NOVOLEX HOLDINGS, LLC, a Delaware  
limited liability company,

Defendants.

Case No. 3:19-CV-5807-JLR

Noted for September 2, 2020

ORDER GRANTING STIPULATED  
MOTION FOR ADDITIONAL TIME TO  
RESPOND TO PLAINTIFF'S MOTION TO  
COMPEL

**I. STIPULATION AND RELIEF REQUESTED**

COMES NOW Plaintiff Vaporpath and Defendants WNA, Inc. and Novolex Holdings, LLC (hereinafter "defendants"), by and through their counsel of record, and respectfully move the Court for an order granting a two-week extension of time for defendants to respond to plaintiff's Motion to Compel (document no. 38) and for plaintiff to reply. This motion is supported by the Declaration of Ramon B. Henderson.

**INTRODUCTION**

Plaintiff filed its Motion to Compel on August 26, 2020 with a noted hearing date of Friday, September 11, 2020. On August 28, 2020, defendants notified plaintiff of defendants' intent to file this motion and sought plaintiff's position. Henderson Decl. ¶ 4. At defendants' request, plaintiff has indicated it will agree to a 14-day extension. *Id.* Defendants appreciate this

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courtesy. Defendants' response opposing plaintiff's currently due Motion to Compel is due Tuesday, September 8, 2020.<sup>1</sup> The new due date if this motion is granted by the court will be Monday, September 21, 2020. The new due date for plaintiff's reply if this motion is granted by the court will be Monday, September 28, 2020. The parties have been, and still are, engaged with ongoing mediation and settlement discussions. *Id.* ¶ 3.

### ARGUMENT

Pursuant to LCR 7(j), a party may move the court for relief from a deadline. This motion is made well in advance of defendants' response deadline of September 8, 2020. Defendants request additional time to file a response in opposition to plaintiff's Motion to Compel for the following reasons.

First, as mentioned above, the parties are engaged in settlement discussions.

Second, the discovery cutoff in this case is not until January 26, 2021, giving the parties nearly four months to complete discovery. A two-week extension will not unfairly prejudice either parties' ability to obtain relevant discovery. Furthermore, granting this motion for an extension of time would not create any foreseeable conflicts. Other than the hearing for plaintiff's Motion to Compel, there is currently nothing on the case schedule until the discovery cutoff date.

Third, like plaintiff's counsel, defense counsel has a busy practice that requires meeting multiple deadlines with multiple courts simultaneously. At times, this results in a need for relief from imposed deadlines.

Fourth, the ongoing public health crisis involving COVID-19 has reduced our office's ability to function at its pre-COVID-19 efficiency.

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<sup>1</sup> Monday, September 7, 2020 is the federal Labor Day holiday.

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2 **II. CONCLUSION**

3 For the foregoing reasons, defendants request an order granting a two-week extension of  
4 time for defendants' response until Monday, September 21, 2020, and until Monday, September  
5 28, 2020 for plaintiff's reply.

6 DATED this 2<sup>nd</sup> day of September, 2020.

7  
8  
9 /s/ Jeff Bone (per email authorization)

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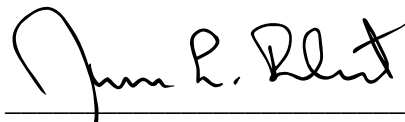
/s/ David S. Mephram

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17 **III. ORDER**

18 IT IS SO ORDERED that, for good cause shown, the Court will grant a two-week  
19 extension of time for defendants to file a response to plaintiff's Motion to Compel until Monday,  
20 September 21, 2020 and for plaintiff to file a reply until Monday, September 28, 2020.

21  
22 Dated: September 4, 2020



HONORABLE JAMES L. ROBART  
United States District Court Judge

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3    Presented by:

4    HODGKINSON STREET MEPHAM, LLC

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